

LAW OFFICES
CHARLES A. GRUEN
Michael Korik, Esq.
381 Broadway, Suite 300
Westwood, New Jersey 07675
Telephone No.: (201) 342-1212
Facsimile No.: (201) 342-6474
Email: mkorik@gruenlaw.com

J. Seth Moore, Esq. (*pro hac vice* application forthcoming)
8080 Park Lane, Suite 700
Dallas, Texas 75231
Tel: 214.265.3852
E-mail: smoore@condontobin.com

Counsel to JMCR Sherman LP

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In re:

Chapter 11

BED BATH & BEYOND INC., *et al.*,

Case No. 23-13359 (VFP)

Debtors.¹

(Joint Administration Requested)

BUSINESS RECORDS AFFIDAVIT OF ROBERT DOZIER

STATE OF TEXAS

§
§
§

COUNTY OF Dallas

Before me, the undersigned authority, on this day personally appeared Robert Dozier, who being duly sworn, deposed, and stated:

1. My name is Robert Dozier. I am over the age of eighteen years. I am of sound mind, capable of making this Affidavit, and fully competent to testify to the matters stated in this Affidavit. I have personal knowledge of each of the matters stated in this Affidavit, and they are true and correct.

2. I am the President and duly authorized representative of JMCR Sherman, LP

(“JMCR”).

3. I am also the custodian of records for JMCR and am familiar with the manner in which its records are created and maintained by virtue of my duties and responsibilities.

4. This Affidavit is submitted in support of JMCR’s objection (the “Objection”) to the Debtors Motion for Entry of an Order (I) Authorizing the Sale of Certain Unexpired Leases Free and Clear of Liens, Claims, Encumbrances, and Other Interests; (II) Approving Assumption and Assignment of Certain Unexpired Leases; and (III) Granting Related Relief (the “Motion”) (ECF No. 644).

5. Attached as Exhibit A is the Lease Agreement dated October 2, 2003 (the “Lease”) with Bed Bath and Beyond, Inc. (“Tenant”) that is the subject of the Motion and Objection. The record attached hereto is the original or exact duplicate of the original.

6. The Lease was assigned to JMCR Sherman, LLC on January 9, 2018.

7. JMCR Sherman, LLC converted to a limited partnership and became JMCR Sherman, LP effective Jan. 1, 2020. Attached as Exhibit B is the Certificate of Conversion filed with the Texas Secretary of State on Dec. 27, 2019. The record attached hereto is the original or exact duplicate of the original. .

8. Attached as Exhibit C is the Termination Agreement dated April 10, 2023 (the “Termination Agreement”) between JMCR and Tenant which terminated the Lease as of April 30, 2023. The record is attached hereto us the original or exact duplicate of the original.

9. Tenant has not paid rent to JMCR since the termination date.

10. Tenant vacated the leased premises prior to the termination date.

11. It is the regular practice of JMCR to make these types of records at or near the time of each act, event, condition, opinion, or diagnosis set forth in the record.

12. It is the regular practice of JMCR for these types of records to be made by, or from

information transmitted by, persons with knowledge of the matters set forth in them.

13. It is the regular practice of JMCR to keep these types of records in the course of regularly conducted business activity.

14. It is the regular practice of the business activity to make these records.

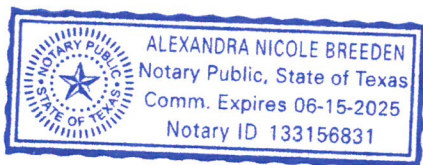
FURTHER, AFFIANT SAYETH NOT.

DATED the 22nd day of June, 2023.

Robert Dozier

BEFORE ME, the undersigned authority, on this day personally appeared Robert Dozier, who being by me duly sworn on his oath deposed and said that he has read the AFFIDAVIT; and that every statement contained herein is within his personal knowledge and is true and correct.

SUBSCRIBED AND SWORN TO BEFORE ME on this 22nd day of June, 2023, to certify which witness my hand and official seal.



Notary for the State of Texas

Print Name: Alexandra Breedon

My Commission Expires: 06/15/25